

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: DAVID C. MARCHESE Debtor	: CHAPTER 7 : CASE NO. 16-13810-ELF
GARY SEITZ, TRUSTEE Plaintiff v. JAMES MCCAULEY t/a MCCAULEY ASSOCIATES LIMITED PARTNERSHIP and GERALD MULLANEY and HOPWOOD FARM, LLC Defendants	: : ADVERSARY NO: 17-00189-elf : : : : : : : : : :

PLAINTIFF'S PRETRIAL DISCLOSURES

Plaintiff, Gary Seitz, hereby files his Rule 26(a)(3)(A) Pretrial Disclosures pursuant to this Court's Order dated September 6, 2018:

I. WITNESSES

Under Fed. R. Civ. P. 26(a)(3)(A)(i), Plaintiff expects to present the following fact witnesses at trial:

Gerald Mullaney	3881 Skippack Pike Collegeville, PA 19426 (610) 365-7701
Martin Mullaney	3881 Skippack Pike Collegeville, PA 19426 (610) 365-7701
Paul Newlin	67 Longacre Drive Collegeville, PA 19426 Telephone unknown
Mike Southard	Address and telephone number to be supplied
John T. Dooley, Esquire	1800 Pennbrook Parkway, Suite 200 Lansdale, PA 19446 215-362-2474

James McCauley	c/o Jeffrey S. Cianciulli, Esquire Weir & Partners The Widener Building 1339 Chestnut Street, Suite 500 Philadelphia, PA 19107
Gregory Philips, Esquire	1129 E. High Street Pottstown, PA 19464 610-323-1400
Philip Suitovsky	S&S Accountants 30 Technology Drive Warren, NJ 07059 (908) 753-7884
Michael Wolf, CPA	653 Skippack Pike Suite 300 Blue Bell, PA 19422 (215) 628-8080

1. Plaintiff reserves the right to call any and all expert witnesses and fact witnesses listed by any parties of this lawsuit.
2. Plaintiff reserves the right to call impeachment and rebuttal witnesses, as necessary
3. Plaintiff reserves the right to amend and/or supplement this Witness List as any time in the future.
4. Plaintiff does not expect to designate or present any witness testimony by deposition.

II. EXHIBITS

Plaintiff expects to offer the following exhibits into evidence at trial:

- P-1 Amended Adversary Complaint
- P-2 Defendants' Answers to the Amended Complaint
- P-3 Plaintiff's Interrogatories and Request for Production of Documents
- P-4 Defendants' Responses to the Interrogatories and Request for Production

- P-5 Plaintiff's Request for Admissions
- P-6 Defendants' Responses to Plaintiff's Request for Admissions
- P-7 Plaintiff's Supplemental Request for Production of Documents
- P-8 Defendants' Supplemental Production
- P-9 Deposition transcript of James McCauley
- P-10 Deposition Exhibits from James McCauley M-1 to M-11
- P-11 Deposition transcript of Gerald Mullaney from U.S.B.C. [17-00189-elf](#)
- P-12 Deposition Exhibits from Gerald Mullaney, [17-00189-elf](#)
- P-13 Deposition transcript Gerald Mullaney Montgomery County 2012-28320
- P-14 Hopwood Tax Returns 2008-2016
- P-15 Hopwood Checks produced by Gerald Mullaney
- P-16 Gregory Philips' emails and letters to Gerald Mullaney re: Hopwood
- P-17 Security Agreement
- P-18 Guaranty Agreement
- P-19 Foreclosure Complaint
- P-20 Affidavit of Service of Sheriff Sale
- P-21 Letter June 11, 2015 from John Dooley to Gerald Mullaney waiving deficiency after foreclosure
- P-22 Promissory Note executed by Gerald Mullaney
- P-23 Email February 22, 2012 McCauley to Gerald Mullaney
- P-24 Email McCauley to John Dooley regarding 50-50 split of proceeds
- P-25 Transfer of Membership Interest document from Marchese to McCauley
- P-26 Transfer of Membership Interest from McCauley to Hopwood members
- P-27 Emails from McCauley's accountant regarding split of proceeds
- P-28 Pennsylvania Realty Transfer Tax Affidavit dated March 10, 2015
- P-29 John Dooley emails to Mike Southard
- P-30 Settlement Agreement between McCauley and American Acquisition
- P-31 McCauley email June 2, 2011 to Gerald Mullaney
- P-32 Email McCauley to Gerald Mullaney June 16, 2011 regarding split with Marchese
- P-33 Emails McCauley to Gerald Mullaney
- P-34 Hopwood Operating Agreement
- P-35 Letter American Acquisition October 10 2011
- P-36 Discovery documents provided by McCauley re: Supplemental Requests

1. Plaintiff reserves the right to supplement and/or amend this Exhibit List.
2. Plaintiff reserves the right to use any exhibits listed by any other party.
3. Plaintiff reserves the right to supplement this list up to an including the time of trial.

Respectfully submitted:



Dated: December 20, 2018

Robert J. Birch, Esquire
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, Robert J. Birch, Esquire, hereby certify that on this 20th day of December, 2018, I served a true and correct copy of the Pretrial Memorandum to the following:

Jeffrey S. Cianciulli, Esquire
Weir & Partners
The Widener Building
1339 Chestnut Street, Suite 500
Philadelphia, PA 19107



ROBERT J. BIRCH